

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X :	
BROOKLYN BOTTLING OF MILTON,	:
NEW YORK, INC.,	:
Plaintiff,	:
	:
	:
	:
-against-	:
	:
ECUABEVERAGE, CORP.	:
Defendant.	:
-----X :	

07 CIV 08483 (AKH)

AFFIRMATION IN SUPPORT
OF MOTION TO AMEND
COMPLAINT

STATE OF NEW YORK)
) ss :
COUNTY OF NEW YORK)

JEFFREY E. JACOBSON, a member of the Bar of the State of New York and this Court,
deposes and swears under the penalty of perjury that:

1. I am Counsel for Brooklyn Bottling Company of Milton, New York, Inc.,
("Brooklyn Bottling") as well as North Shore Bottling Co., Inc. ("North Shore").
2. I am fully familiar with the facts of this matter and I respectfully submit this
Affirmation in Support of BROOKLYN's Motion to Amend the Complaint pursuant to FRCP
15.
3. As the result of a conference, on January 18, 2008, and held before the Honorable
Judge Hellerstein, BROOKLYN's counsel was told that if BROOKLYN was assignee of the

trademark at issue, then BROOKLYN should amend the complaint.

4. Accordingly, BROOKLYN is the exclusive assignee from Royal Signature, Inc. (“ROYAL”), a Panama corporation and the registrant of the federal trademark registered with the United States Patent and Trademark Office (“USPTO”) for TROPICAL PURO SABOR NACIONAL, (“the MARK”), in class 032 for soft drinks and flavored syrups used in the preparation of making soft drinks. The MARK was originally registered on January 26, 1988 in the name of Royal and given registration number 1474395; and was, assigned to Brooklyn and registered.

4. This assignment gives Brooklyn Bottling the standing necessary to bring and prosecute this lawsuit by transferring to BROOKLYN all of the exclusive rights in the trademark.

5. Attached hereto and marked a Exhibit “1” is the assignment of the registered trademark.

6. Brooklyn Bottling is the sole and exclusive manufacturer, packager, distributor and seller of the TROPICAL PURO SABOR NACIONAL beverages subject to licenses granted by BROOKLYN to other parties in the country.

14. Consequently, we respectfully pray that this Court grant leave to BROOKLYN to Amend the Complaint.

____/Jeffrey E. Jacobson/____
Jeffrey E. Jacobson
Jacobson & Colfin, PC
60 Madison Avenue, Suite 1026

New York, NY 10010

Dated: February 26, 2008
New York, New York

cli/lit/ecuabev amend afd jej